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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MILIA, MARK R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/932,700		OHKUBO ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Mark R. Milia		2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 13-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/12/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-12 in the reply filed on 4/12/05 is acknowledged.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "S207" has been used to designate both "Delete?" and "Delete" in Fig. 49. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

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description: On page 145, line 7, reference character (210) is not included in Fig. 65.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 7, reference character (S105), Fig. 45, reference characters (110) and (118), Fig. 46, reference character (118), Fig. 49, reference character (S214), Fig. 52, reference character (S514), and Fig. 65, reference character (204d). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

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the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The disclosure is objected to because of the following informalities: On page 49, line 21 (32) should read (16), page 68, line 3, (S302) should read (S102), and page 90, lines 9 and 23, page 91, line 3, page 93, line 11, page 94, line 5, page 95, lines 3 and 19, page 96, line 10, and page 98, line 17, (111) should read (110). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6421062 to Higashio in view of U.S. Patent No. 5805215 to Mizoguchi.

Regarding claim 1, Higashio discloses an image plus event information printing system, which comprises: an image data inputting means for inputting a datum of

original image (see Figs. 1 and 2, column 3 lines 58-65, column 4 lines 32-40, and column 5 lines 41-44), an event of current and/or passing events information being sorted with information database which memorizes the data one or more items (see Figs. 4 and 5 and column 5 lines 3-29), an event information retrieval means for extracting any event information within a predetermined range being correlation to the time which is related to the original image, by retrieving from the sorted data in the event information database with using one or more of the items (see Fig. 3, column 4 lines 50-58, and column 5 lines 48-50), an image editing means for preparing a datum of an image plus event information, from the datum of original image and the extracted event information (see column 6 lines 5-66 and column 7 lines 22-58), and a printing means for printing the image plus current events information an accordance with the datum prepared by the image editing means (see column 7 lines 53-58).

Higashio does not disclose expressly wherein one of the items consists of the occurrence time of the event.

Mizoguchi discloses wherein one of the items consists of the occurrence time of the event (see Figs. 3, 5, 6, and 9, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5).

Regarding claim 7, Higashio discloses a server which delivers a material datum for image synthesis to a terminal or server capable of editing the image via line, which comprises: an event information database which memorizes the data of current and/or passing events information being sorted with one or more items (see Figs. 4 and 5 and column 5 lines 3-29), an event information retrieval means for extracting any event

information within a predetermined range being in correlation to the time which is related to the original image, by retrieving from the sorted data in the event information database with using one or more of the items (see Fig. 3, column 4 lines 50-58, and column 5 lines 48-50), and a transmission means for transmitting the retrieved data to the terminal or server capable of editing the image (see Figs. 1 (8) and 2 (201), column 4 lines 1-20 and 32-40, and column 6 lines 5-7 and 13-22).

Higashio does not disclose expressly wherein one of the items consists of the occurrence time of the event.

Mizoguchi discloses wherein one of the items consists of the occurrence time of the event (see Figs. 3, 5, 6, and 9, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5).

Regarding claim 10, Higashio discloses a server which is connected to a terminal via line and transmits to the terminal a datum of image which is synthesized herein, which comprises: a receiving means for receiving a datum of original image (see Figs. 1 and 2, column 3 lines 58-65, column 4 lines 32-40, and column 5 lines 41-44), an event information database which memorizes the data of current and/or passing events information being sorted with one or more items (see Figs. 4 and 5 and column 5 lines 3-29), an event information retrieval means for extracting any event information within a predetermined range being correlation to the time which is related to the original image, by retrieving from the sorted data in the event information database with using one or more of the items (see Fig. 3, column 4 lines 50-58, and column 5 lines 48-50), and an image editing means for preparing a datum of an image plus event information from the

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datum of original image and the extracted event information (see column 6 lines 5-66 and column 7 lines 22-58).

Higashio does not disclose expressly wherein one of the items consists of the occurrence time of the event.

Mizoguchi discloses wherein one of the items consists of the occurrence time of the event (see Figs. 3, 5, 6, and 9, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5).

Higashio & Mizoguchi are combinable because they are from the same field of endeavor, composition of image data based on particular reference criteria.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the occurrence time and date of an event, that has been photographed and processed into image data, as a reference and search tool to aid in the combination of image data for output (i.e. printing) as described by Mizoguchi with the system of Higashio.

The suggestion/motivation for doing so would have been to provide improved searching ability and an increase in system performance by adding time and date information, which is commonly added to a photograph at the time of capture, that can be searched and used as a particular criteria for image combination (see column 1 lines 32-33 and 49-62 of Mizoguchi).

Therefore, it would have been obvious to combine Mizoguchi with Higashio to obtain the invention as specified in claims 1, 7, and 10.



Regarding claims 2, 8, and 11, Higashio and Mizoguchi disclose the system discussed in claims 1, 7, and 10, and Mizoguchi further discloses wherein the time which is related to the original image is the photographed day of the original image (see Figs. 5, 6, and 9, column 6 lines 51-65, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5).

Regarding claim 3, Higashio and Mizoguchi disclose the system discussed in claim 1, and Higashio further discloses an event information selecting means wherein one or more events information are selected as user's pleases from the retrieved events information when two or more events information are retrieved from the sorted data at the event information retrieval means and thereby, the image editing means prepares the datum of the image plus event information, from the datum of original image and the event information selected by the event information selecting means (see Figs. 3-5, column 6 lines 5-7 and 13-22, and column 7 lines 22-58).

Regarding claim 4, Higashio and Mizoguchi disclose the system discussed in claim 1, and Higashio further discloses wherein the system comprises a terminal part and a event information service part which are connected to each other via line (Fig. 2 (220)), wherein the terminal part includes the image data inputting means (Fig. 2 (8)), the image editing means (Fig. 2 (201) and column 6 lines 13-22) and the printing image plus event means (Fig. 2 (7)), and wherein the event information service part includes

the event information database (Fig. 4 (31) and column 5 lines 3-29) and the event information retrieval means (Fig. 5, column 6 lines 5-66, and column 7 lines 22-58).

Regarding claim 5, Higashio and Mizoguchi disclose the system discussed in claim 1, and Higashio further discloses wherein the system comprises a terminal part and a retrieval and editing part, which are connected to each other via line (Fig. 2 (220)), wherein the terminal part includes the image data inputting means (Fig. 2 (8)) and the printing means (Fig. 2 (7)), and wherein the retrieval and editing part includes the current event information database (Fig. 4 (31) and column 5 lines 3-29), the current event information retrieval means (Fig. 5, column 6 lines 5-66, and column 7 lines 22-58), and the image editing means (Fig. 2 (201) and column 6 lines 13-22).

Regarding claim 6, Higashio and Mizoguchi disclose the system discussed in claim 1, and Higashio further discloses wherein the system comprises a terminal part, an editing part, and an event information service part wherein the terminal part and editing part are connected to each other via line (Fig. 2 (220)), and the editing part and the event information service part are connected to each other via line (Fig. 2 (220)) wherein the terminal part includes the image data inputting means (Fig. 2 (8)) and the printing means (Fig. 2 (7)) and wherein the editing part includes the image editing means (Fig. 2 (201) and column 6 lines 13-22), and wherein the event information service part includes the event information database (Fig. 4 (31) and column 5 lines 3-

29) and the event information retrieval means (Fig. 5, column 6 lines 5-66, and column 7 lines 22-58), and the image editing means (Fig. 2 (201) and column 6 lines 13-22).

Regarding claims 9 and 12, Higashio and Mizoguchi disclose the system discussed in claims 7 and 10, and Higashio further discloses wherein one or more events information are selected as user's pleases from the retrieved events information when two or more events information are retrieved from the sorted data at the event information retrieval means (see Figs. 3-5, column 6 lines 5-7 and 13-22, and column 7 lines 22-58).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art refer to U.S. Patent numbers 6111586 (Ikeda et al.), 6801327 (Haneda et al.), 6249644 (Inoue et al.), 6567120 (Hamamura et al.), and 6011537 (Slotznik).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner  
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MRM

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